

### **REMARKS**

The examiner issued a notice that Applicants' prior response, filed September 12, 2008, was not fully responsive to the rejections because Applicants requested that the nonstatutory obviousness-type double patenting rejection over claim 12 of co-pending U.S. Patent Application Serial No. 10/498,684 be held in abeyance pending determination of allowable claims in either application. Applicants respectfully submit that the issuance of this rejection was improper.

Nevertheless, with the cancellation of claim 12 in co-pending U.S. Patent Application Serial No. 10/498,684, the provisional rejection of claims 1, 2, and 24 on the grounds of nonstatutory obviousness-type double patenting is rendered moot. As evidence of this cancellation, Applicants submit herewith **Exhibit A**, the response filed for U.S. Patent Application Serial No. 10/498,684 on April 2, 2009.

### **CONCLUSION**

Applicants respectfully submit that the claims are in condition for allowance. Favorable consideration of the present application as amended is therefore respectfully requested. If a conference call would be useful in resolving issues arising from the filing of this communication, please contact the undersigned at the below-noted number.

Respectfully submitted,

/Gregory J. Hartwig/

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